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Respondents.

1           **IT IS FURTHER ORDERED** that petitioner shall have **ninety (90) days** from the  
2 date of this order to FILE AND SERVE on respondents an amended petition for writ of  
3 habeas corpus, which shall include all known grounds for relief (both exhausted and  
4 unexhausted).

5           **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45) days** after  
6 service of an amended petition within which to answer, or otherwise respond to, the  
7 amended petition. If petitioner does not file an amended petition, respondents shall have  
8 forty-five (45) days from the date on which the amended petition is due within which to  
9 answer, or otherwise respond to, petitioner's original petition. Any response filed shall  
10 comply with the remaining provisions below, which are entered pursuant to Habeas Rule  
11 5.  
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13           **IT IS FURTHER ORDERED** that any procedural defenses raised by respondents  
14 in this case shall be raised together in a single consolidated motion to dismiss. In other  
15 words, the court does not wish to address any procedural defenses raised herein either  
16 *in seriatum* fashion in multiple successive motions to dismiss or embedded in the answer.  
17 Procedural defenses omitted from such motion to dismiss will be subject to potential  
18 waiver. Respondents shall not file a response in this case that consolidates their  
19 procedural defenses, if any, with their response on the merits, except pursuant to 28  
20 U.S.C. § 2254(b)(2) as to any unexhausted claims clearly lacking merit. If respondents  
21 do seek dismissal of unexhausted claims under § 2254(b)(2): (a) they shall do so within  
22 the single motion to dismiss not in the answer; and (b) they shall specifically direct their  
23 argument to the standard for dismissal under § 2254(b)(2) set forth in *Cassett v. Stewart*,  
24 406 F.3d 614, 623-24 (9th Cir. 2005). In short, no procedural defenses, including  
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1 exhaustion, shall be included with the merits in an answer. All procedural defenses,  
2 including exhaustion, instead must be raised by motion to dismiss.

3 **IT IS FURTHER ORDERED** that, in any answer filed on the merits, respondents  
4 shall specifically cite to and address the applicable state court written decision and state  
5 court record materials, if any, regarding each claim within the response as to that claim.  
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7 **IT IS FURTHER ORDERED** that petitioner shall have **forty-five (45) days** from  
8 service of the answer, motion to dismiss, or other response to file a reply or opposition,  
9 with any other requests for relief by respondents by motion otherwise being subject to the  
10 normal briefing schedule under the local rules.

11 **IT IS FURTHER ORDERED** that any state court record exhibits filed by the parties  
12 herein shall be filed with an index of exhibits identifying the exhibits by number or letter.  
13 The CM/ECF attachments that are filed shall further be identified by the number or letter  
14 of the exhibit in the attachment.  
15

16 **IT IS FURTHER ORDERED** that the parties **SHALL SEND** courtesy copies of all  
17 exhibits to the Reno Division of this court. Courtesy copies shall be mailed to the Clerk  
18 of Court, 400 S. Virginia St., Reno, NV, 89501, and directed to the attention of "Staff  
19 Attorney" on the outside of the mailing address label. Additionally, in the future, all parties  
20 shall provide courtesy copies of any additional exhibits submitted to the court in this case,  
21 in the manner described above.  
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24 DATED: 20 March 2018.

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27 RICHARD F. BOULWARE, II  
28 UNITED STATES DISTRICT JUDGE